

**Whatcom County  
Council Finance and Administrative Services Committee**

COUNTY COURTHOUSE  
311 Grand Avenue, Ste #105  
Bellingham, WA 98225-4038  
(360) 778-5010



**Committee Minutes - Draft Minutes**

**Tuesday, April 14, 2026**

**8:45 AM**

**Hybrid Meeting - Council Chambers**

HYBRID MEETING - MAY BEGIN LATE - ADJOURNS BY 9:45 A.M.  
(PARTICIPATE IN-PERSON, SEE REMOTE JOIN INSTRUCTIONS AT  
[www.whatcomcounty.us/joinvirtualcouncil](http://www.whatcomcounty.us/joinvirtualcouncil), OR CALL 360.778.5010)

**COUNCILMEMBERS**

Elizabeth Boyle  
Barry Buchanan  
Ben Elenbaas  
Kaylee Galloway  
Jessica Rienstra  
Jon Scanlon  
Mark Stremler

**CLERK OF THE COUNCIL**

Cathy Halka, AICP, CMC

## **Call To Order**

Committee Chair Jon Scanlon called the meeting to order at 8:55 a.m. in a hybrid meeting.

## **Roll Call**

**Present:** 7 - Elizabeth Boyle, Barry Buchanan, Ben Elenbaas, Kaylee Galloway, Jessica Rienstra, Jon Scanlon, and Mark Stremler

## **Announcements**

### **Council "Consent Agenda" Items**

*Buchanan moved* to recommend approval of Consent Agenda items one through eight. The motion was seconded by Rienstra.

#### **Consent Agenda Item number 6 (AB2026-277)**

Julie Anderson, Public Works Department, answered what the status is with the County's response to the recent flooding, and if there is anything Council can do to move the process along. She stated the activity surrounding the planning work is moving forward though they are not communicating every step along the way. This grant helps to continue the conversations with the stakeholders on the steering committee so that they can move projects from feasibility to preliminary design. She stated there is not a timeline yet for the work going forward because they just received feedback from the February 2nd Reach Team meeting.

Stremler stated he thought the Council would get consistent updates and Anderson stated she can work on that.

#### **Consent Agenda Item number 5 (AB2026-270)**

Sarah Simpson, Health and Community Services Department, read from a presentation and spoke about the Samish Commons child care center, the length of the contract (for monitoring purposes), and that the cost to create a new childcare slot for this project fits into the mid-lower range to do so for the state. She answered where it is located and stated it is in Bellingham near Samish Way. She answered if the provider is a non-profit or a private business and stated they partnered with the owners of the building (the Housing Authority) which will own the child care center itself and can continue to re-contract with other providers as time goes on as they choose, so that the space can be used as a childcare facility as long as it is viable for that purpose.

Eric Chambers, Health and Community Services, stated they did a ten-year

contract in lieu of a covenant because the building has about eight covenants on it already and the length of the contract allows the County to recapture if there are any issues.

Simpson spoke about a quarterly monitoring process to make sure the center is serving 25 percent or more low-income families, and she answered questions about the cost for those families.

Councilmembers voted on the Consent items (see votes on individual items below).

1. [AB2026-253](#) Request authorization for the County Executive to enter into a contract between Whatcom County and BEA Environmental, LLC to develop and implement a Source Control Business Inspection Program, in the amount of \$89,950

**Buchanan moved and Rienstra seconded that the Contract be RECOMMENDED FOR AUTHORIZATION BY CONSENT. The motion carried by the following vote:**

**Aye:** 6 - Boyle, Buchanan, Elenbaas, Rienstra, Scanlon, and Stremler

**Nay:** 0

**Temp Absent:** 1 - Galloway

2. [AB2026-256](#) Request authorization for the County Executive to enter into a contract amendment between Whatcom County and Bellingham Food Bank to purchase and distribute diapers, wipes, infant formula, and food to low-income families with children in the amount of \$636,305, for a total amended contract amount of \$1,503,993

**Buchanan moved and Rienstra seconded that the Contract be RECOMMENDED FOR AUTHORIZATION BY CONSENT. The motion carried by the following vote:**

**Aye:** 6 - Boyle, Buchanan, Elenbaas, Rienstra, Scanlon, and Stremler

**Nay:** 0

**Temp Absent:** 1 - Galloway

3. [AB2026-260](#) Request authorization for the County Executive to enter into an interlocal agreement between Whatcom County and Washington State Department of Ecology to administer and enforce the well sealing, tagging, and decommissioning portions of the water well construction regulations, in the estimated amount of \$13,500 annually

**Buchanan moved and Rienstra seconded that the Interlocal be RECOMMENDED FOR AUTHORIZATION BY CONSENT. The motion carried by the following vote:**

**Aye:** 6 - Boyle, Buchanan, Elenbaas, Rienstra, Scanlon, and Stremler

**Nay:** 0

**Temp Absent:** 1 - Galloway

4. [AB2026-269](#) Request authorization for the County Executive to enter into a contract between Whatcom County and Opportunity Council to administer rental assistance to eligible individuals who are involved in the criminal legal system and in recovery from a substance use disorder, in the amount of \$79,090

**Buchanan moved and Rienstra seconded that the Contract be RECOMMENDED FOR AUTHORIZATION BY CONSENT. The motion carried by the following vote:**

**Aye:** 6 - Boyle, Buchanan, Elenbaas, Rienstra, Scanlon, and Stremler

**Nay:** 0

**Temp Absent:** 1 - Galloway

5. [AB2026-270](#) Request authorization for the County Executive to enter into a contract between Whatcom County and the Housing Authority of the City of Bellingham to fund capital expenses for the development of the Samish Commons Early Learning Center, in the amount of \$851,350

**Buchanan moved and Rienstra seconded that the Contract be RECOMMENDED FOR AUTHORIZATION BY CONSENT. The motion carried by the following vote:**

**Aye:** 6 - Boyle, Buchanan, Elenbaas, Rienstra, Scanlon, and Stremler

**Nay:** 0

**Temp Absent:** 1 - Galloway

6. [AB2026-277](#) Request authorization for the County Executive to enter into an interlocal grant agreement between Whatcom County and the Department of Ecology to provide funding to advance the planning work necessary to evaluate and implement flood mitigation alternatives for the Lower Nooksack River and the Everson-Sumas overflow corridor, in the amount of \$2,738,000 (Council acting as the Whatcom County Flood Control Zone District Board of Supervisors)

**Buchanan moved and Rienstra seconded that the Interlocal be RECOMMENDED FOR AUTHORIZATION BY CONSENT. The motion carried by the following vote:**

**Aye:** 6 - Boyle, Buchanan, Elenbaas, Rienstra, Scanlon, and Stremler

**Nay:** 0

**Temp Absent:** 1 - Galloway

7. [AB2026-294](#) Request authorization for the County Executive to enter into an interlocal agreement between Whatcom County and the Washington State Department of Transportation to execute a Federal Aid Project Prospectus to obligate federal Ferry Boat Program funds for the Lummi Island Ferry operating costs, in the amount of \$1,920,916

**Buchanan moved and Rienstra seconded that the Interlocal be RECOMMENDED FOR AUTHORIZATION BY CONSENT. The motion carried by the following vote:**

**Aye:** 6 - Boyle, Buchanan, Elenbaas, Rienstra, Scanlon, and Stremler

**Nay:** 0

**Temp Absent:** 1 - Galloway

8. [AB2026-299](#) Request authorization for the County Executive to enter into an interlocal agreement between Whatcom County and City of Bellingham for U.S. Department of Justice Edward Byrne Memorial Justice Assistance Grant FY25, in the amount of \$11,812

**Buchanan moved and Galloway seconded that the Interlocal be RECOMMENDED FOR AUTHORIZATION BY CONSENT. The motion carried by the following vote:**

**Aye:** 6 - Boyle, Buchanan, Elenbaas, Rienstra, Scanlon, and Stremler

**Nay:** 0

**Temp Absent:** 1 - Galloway

### **Committee Discussion**

1. [AB2026-278](#) Discussion regarding options and budget implications for a proposed sales and use tax of one-tenth of one percent for criminal justice purposes

Scanlon stated this discussion relates to the three items that are scheduled for public hearing tonight and one that is on for introduction.

*Clerk's note:* The Administration had a presentation prepared on the sales tax and the executive's proposal but gave it during the public hearing period during the evening Council meeting due to time constraints in this meeting.

Elenbaas stated he had some legal questions and asked about going into an executive session.

Kimberly Thulin, Prosecuting Attorney's Office, stated she would need to know the exception Revised Code of Washington (RCW) that would allow

them to meet in an executive session.

Elenbaas stated he has concerns with some emails that were stamped attorney client privilege, and he wants to discuss those before they move forward.

**Scanlon moved** that Council waive privilege on the legal advice that we have received regarding the viability of AB2026-259 (the ordinance submitting to the qualified voters of Whatcom County, a proposition authorizing a sales and use tax of one tenth of one percent for criminal justice purposes, as authorized by RCW 82.14.345).

The motion was seconded by Elenbaas.

Scanlon stated he is trying to tailor this narrowly to the legal advice that they have received on the viability of **AB2026-259**.

Councilmembers and Thulin discussed the Council being able to discuss legal advice that might be operating in a gray area, or what mechanism is in place if a councilmember feels that policy is being filtered by the Prosecutor's Office.

The motion carried by the following vote:

**Aye:** 6 - Buchanan, Elenbaas, Rienstra, Scanlon, Stremler, and Boyle

**Nay:** 0

**Out of the Meeting:** 1 - Galloway

Scanlon reviewed the three ordinances that are scheduled tonight for public hearing, a resolution demonstrating Council's intent for the use of the sales tax funds, and a proposal to put to the people an advisory vote which is on for introduction from Councilmembers Elenbaas and Stremler. Scanlon stated they may not have time in this meeting for a presentation by the executive's office but they could consider that this evening.

Thulin spoke about her legal analysis regarding the viability of **AB2026-259** pursuant to RCW 82.14.345. She stated there was a legal constraint in this particular context, in terms of putting a ballot that would be binding to the people. The people did not have the authority to make this particular taxing decision. The state legislature chose to delegate the responsibility of whether to impose it to the legislative authority of the local jurisdiction, which in this case is County Council. She read from the RCW and spoke about her role and duty in advising the Council.

Elenbaas stated they do not have a mechanism to discuss the legal analysis when policy stops in the Prosecutor's Office. He spoke about his concerns with the legal opinion the Council received, how he interprets the RCW to allow for two possible parallel options for authorizing the tax, and his belief that nothing in this ordinance, if they send it to the people, is explicitly denied in the law.

Thulin spoke about her interpretation of the RCW language and the 2028 timeframe given in the RCW for legislative authority to impose the tax.

Elenbaas stated it is clear to him that the executive's office wants and needs this budget item, and they want us to give it to them as fast as we can, and his interpretation of the legal analysis is that it is supporting that position. That is where he feels like sometimes they get a conflict arising. He spoke about how it may erode trust in the future if Whatcom County citizens feel like the County is taking money from them again.

Rienstra spoke about building trust and wanting policy and legislation the Council puts forward to follow the law and the advice they are getting from legal.

Scanlon spoke about working with legal on proposed legislation, having a conversation with them about what the proposer is trying to achieve, and asking what the options are to get there. He stated in their work and in gaining trust with the people, they also have to be honest with the people of this county about what proposed legislation is viable or not. According to the analysis they received and in his opinion, this item is not viable. With that in mind, he sees the following options for what to consider this evening:

- The executive's proposal which is broad
- His proposal which has some specifications for the use of the funds
- A resolution that also puts ideas for the use of the funds
- An advisory vote (after adopting a tax or before)

He stated he does not think they will be able to get to the other items on this agenda.

Councilmembers and Thulin discussed whether an advisory vote should happen after the adoption of the tax and the preference to have the advisory vote first and then have the Council respond in return, how they would pay for the Sheriff's Office lease in the meantime, and a preference for how

conversations should take place about legal analysis.

**This agenda item was DISCUSSED AND MOTION(S) APPROVED.**

Motion approved that council waive privilege on the legal advice that they have received regarding the viability of AB 2026-259 (this is the ordinance submitting to the qualified voters of Whatcom County, a proposition authorizing a sales and use tax of one tenth of one percent for criminal justice purposes, as authorized by RCW. 82.14 .345).

2. [AB2026-210](#) Discussion regarding an ordinance amending the 2026 Whatcom County Budget, request no. 7, in the amount of \$23,290,457

**This agenda item was NOT ACTED UPON.**

3. [AB2026-283](#) Discussion regarding a proposed resolution to declare Whatcom County Flood Control Zone District personal property, a single family house, as surplus and approve sale (Council acting as the Whatcom County Flood Control Zone District Board of Supervisors)

**This agenda item was NOT ACTED UPON.**

4. [AB2026-285](#) Discussion regarding a proposed resolution declaring Whatcom County Flood Control Zone District personal property as surplus and approve sale (Council acting as Whatcom County Flood Control Zone District Board of Supervisors)

**This agenda item was NOT ACTED UPON.**

5. [AB2026-287](#) Discussion regarding a proposed resolution declaring Whatcom County Flood Control Zone District personal property as surplus and approve sale (Council acting as Whatcom County Flood Control Zone District Board of Supervisors)

**This agenda item was NOT ACTED UPON.**

6. [AB2026-293](#) Discussion regarding a resolution amending the 2026 Flood Control Zone District and Subzones Budget, request no. 1, in the amount of \$23,406 (Council acting as Whatcom County Flood Control Zone District Board of Supervisors)

**This agenda item was NOT ACTED UPON.**

7. [AB2026-296](#) Discussion regarding a resolution authorizing the submission of three independent grant applications to the Brian Abbott Fish Barrier Removal Board to restore fish passage at the Black Slough and Homesteader culverts and to complete the final design and permitting of the Tinling Creek culvert project (Council acting as the Whatcom County Flood Control Zone District Board of Supervisors)

**This agenda item was NOT ACTED UPON.**

### **Items Added by Revision**

There were no agenda items added by revision.

**Other Business**

There was no other business.

**Adjournment**

The meeting adjourned at 9:55 a.m.

ATTEST:

WHATCOM COUNTY COUNCIL  
WHATCOM COUNTY, WA

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Cathy Halka, Council Clerk

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Jon Scanlon, Committee Chair

Meeting Minutes prepared by Kristi Felbinger